

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

JAMES E. GRAHAM II; DENNIS ADKINS;
ROGER WRISTON; AND DAVID B. POLK;
On behalf of themselves and
Others similarly situated; and
UNITED MINE WORKERS OF AMERICA,
INTERNATIONAL UNION

Plaintiffs,

v.

Civil Action No. 1:19-cv-00597

JUSTICE ENERGY CO. INC.;
KEYSTONE SERVICE INDUSTRIES, INC.
BLUESTONE COAL CORPORATION;
DOUBLE-BONUS COAL CO.; and
SOUTHERN COAL CORPORATION,

Defendants.

ORDER, CONSENT ORDER AND PERMANENT INJUNCTION

THIS MATTER is before the court on a joint Motion for Entry of Consent Judgment and Permanent Injunction. Having considered the joint motion and reviewed the pleadings, the court enters the following Order:

ORDER

IT IS ORDERED that the joint Motion for Entry of Consent Judgment and Permanent Injunction is **GRANTED**, as follows:

JUDGMENT AND PERMANENT INJUNCTION

1. Defendants shall immediately and permanently comply with the National Bituminous Coal Wage Agreement of 2016 (“2016 NBCWA”) and the Defendants’ related, individual Memoranda of Understanding with the United Mine Workers of America (“MOUs”), until

such time as the 2016 NBCWA and the MOUs are modified or superseded by future agreements. In particular, Defendants will immediately and permanently comply with the requirements of Article XX of the 2016 NBCWA (and related portions of the MOUs) which require Defendants to provide uninterrupted healthcare and prescription drug coverage to eligible retirees and their eligible dependents. Defendants will not terminate or modify retiree healthcare and prescription drug coverage in a manner inconsistent with the 2016 NBCWA or the MOUs, unless permitted by future agreements which modify or supersede the 2016 NBCWA or the MOUs.

2. Defendants shall permanently comply with any successor agreements to the 2016 NBCWA that provide for healthcare and/or prescription drug coverage to eligible retirees and their eligible dependents. The term “successor agreement to the 2016 NBCWA” shall include any related, individual MOUs signed by Defendants and the UMWA that provide for healthcare and/or prescription drug coverage for eligible retirees and their eligible dependents. Defendants will not terminate or modify retiree healthcare and prescription drug coverage in a manner inconsistent with any successor agreements to the 2016 NBCWA or successor MOUs after such time that any such successor agreements take effect.
3. All parties shall be subject to the jurisdiction of this Court in connection with the enforcement of this Consent Judgment and Permanent Injunction.
4. This Consent Judgment and Permanent Injunction shall be binding upon the parties hereto and their successors and assigns that the Court has jurisdiction to enter this Consent Judgment and Permanent Injunction. The parties acknowledge, and the Court finds, that this Consent Judgment and Permanent Injunction is intended to be the final order disposing

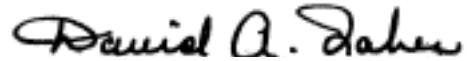
of all issues in this matter, except as additional orders or rulings may be necessary to enforce this Consent Judgment and Permanent Injunction.

5. Any claims raised in this litigation are rendered moot, are hereby dismissed, and the Court considers this action concluded, and the Court will take no further action in this matter unless requested to do so by any party to enforce this Consent Judgment and Permanent Injunction.
6. The Court shall retain jurisdiction over this action for the purpose of enforcing the Consent Judgment and Permanent Injunction hereby entered.

The Clerk of Court is instructed to administratively close this action.

IT IS SO ORDERED this 3rd day of June, 2021

ENTER:



David A. Faber
Senior United States District Judge

Respectfully Submitted By:

/s/ Keven F. Fagan

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/s/ Timothy J. Baker – *Pro Hac Vice*

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